

Application No. 10/796,965
Amendment dated January 13, 2006
Reply to Office Action of December 13, 2005

Docket No.: 0941-0932P

ELECTION

The Examiner has issued an Election of Species Requirement between the following species:

Species 1. claims 1-8, pertaining to a method including forming a silicon nitride layer and a patterned mask layer on the high voltage device area; and

Species 2, claims 9-19, pertaining to a method including forming an oxidation mask over the low voltage device area.

In this regard, the Examiner's attention is drawn to MPEP 806.04(e), which states that "*Claims are never species.*" Irregardless, in response to this Election of Species Requirement, Applicant hereby elects Species I, claims 1-8, pertaining to a method including forming a silicon nitride layer and a patterned mask layer on the high voltage device area. This election is with traverse.

It is noted that claim 9 should be considered generic of claim 1. The steps described in lines 7-19 of claim 1 disclose patterning and formation of the silicon nitride layer exposing the high-voltage device area and parts of the isolation structure, used as an oxidation mask in the step described in lines 20-22 of claim 1. Specifically, the step described in lines 5-7 of claim 9 is generic of the steps described in lines 7-19 of claim 1, and the "oxidation mask" of claim 9 is generic of the "silicon nitride layer" of the claim 1. It is therefore respectfully submitted that claim 9 is a generic claim.

It is respectfully submitted that it should be no undue burden on the Examiner to consider all claims in the single application. Moreover, because at least generic claim 9 should be in

Application No. 10/796,965
Amendment dated January 13, 2006
Reply to Office Action of December 13, 2005

Docket No.: 0941-0932P

condition for allowance, this Election of Species Requirement should also be overcome and withdrawn.

REMARKS

Claims 1-19 remain present in this application.

The specification and claims 1, 9 and 19 have been amended. Reconsideration of the application, as amended, is respectfully requested.

It is noted that claim 1 has been amended to more clearly identify a novel and non-obvious feature of the claimed invention. Specifically, independent claim 1 recites "forming a first oxide layer on the exposed high-voltage device area and isolation structure using the silicon nitride layer as an oxidation mask". Support for this limitation can be found on page 6, lines 9-13 and Fig. 3D of the originally filed application. It is therefore respectfully submitted that no new matter has been added.

It is also noted that claim 9 has been amended to more clearly identify a novel and non-obvious feature of the claimed invention. Specifically, independent claim 9 recites "forming a patterned oxidation mask at least approximately 500Å thick overlying the substrate, exposing the high-voltage device area and parts of the isolation structure". Support for this limitation can be found on page 6, lines 1-8 and Fig. 3C of the originally filed application. It is therefore respectfully submitted that no new matter has been added.

Also, claim 19 has been amended to correct the preamble. Specifically, the preamble of claim 19 has been changed to, "The method as claimed in claim 9."

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

Application No. 10/796,965
Amendment dated January 13, 2006
Reply to Office Action of December 13, 2005

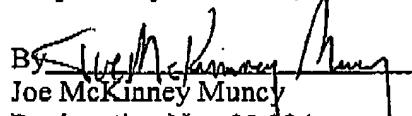
Docket No.: 0941-0932P

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: January 13, 2006

Respectfully submitted,

By 
Joe McKinney Muncy
Registration No.: 32,334
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant